

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES



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Technology Center 2600

In re application of:

Yoshiharu KURODA et al.

Serial No. 08/942,415

Group Art Unit: 2622

Filed: October 16, 1997

Examiner: M. Wallerson

For: IMAGE RECORDING DEVICE

#30
KD
10-23-01

REPLY BRIEF

Commissioner of Patents
Washington, D.C. 20231

October 15, 2001

Sir:

In response to the Examiner's Answer, the following is the Appellants' Reply Brief.

In the Examiner's Answer, the Examiner takes the following position:

Kitazawa also **clearly and conclusively** discloses in figure 1 a main body (21) including a base having an exposed upper surface (which clearly reads on the surface on which tray 25 rests), and a multi-purpose tray (25) provided on the upper surface of the base. Again, figures 1 and 3 of Kitazawa clearly disclose a feeding tray (25) on an exposed upper surface of the base of the copier. Applicant is reminded that references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. (Emphasis Added).¹

However, as can be clearly seen from Figs. 1 and 3 of Kitazawa, the Kitazawa reference does not disclose or fairly suggest *a base having an exposed upper surface; and a multi-purpose*

¹Please see, lines 12 - 18, page 8, of the Examiner's Answer.

tray provided on said exposed upper surface of said base and below the document sheet outlet tray for holding recording sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray.

That is, the Examiner has **failed** to point out in Figs. 1 and 3 of Kitazawa where a user is able to load recording sheets directly onto an exposed upper surface of body 21 via a multi-purpose tray provided on the exposed upper surface. Instead, the Examiner merely points out that tray 25 rests on an upper surface of body 21. That is, a user of Kitazawa's apparatus loads recording sheets into tray 25 which rests on and covers the upper surface of body 21.

In other words, as a user approaches the image recording device of the present invention to place recording sheets on the multi-purpose tray 6 (assuming no paper already exists on the multi-purpose tray 6), the user looking down at the multi-purpose tray 6 sees the exposed upper surface of the base 1. This is because the multi-purpose tray 6 is provided on or built-into the exposed upper surface of the base 1, as can be seen in Fig. 1 of the present invention.

Contrary to the Examiner's position, Kitazawa fails to disclose or suggest such an arrangement. Instead, as the Examiner correctly points out tray 25 rests on the upper surface of the body 21. That is, the upper surface of the base is not exposed since tray 25 is resting thereon. Thus, a user approaching the image recording device only sees the tray 25 and not the exposed upper surface of body 21, as required in the present claimed invention. Hence, Kitazawa is absent any

teaching concerning *a base having an exposed upper surface; and a multi-purpose tray provided on said exposed upper surface of said base.*

Additionally, in the Examiner's Answer, the Examiner asserts:

Applicant submits that Kitazawa discloses that the feeding tray (25) is provided on the right side of the body. The Examiner fails to see the relevance of this argument, since in the instant invention, Applicant's multi-purpose or feeding tray (6) is also on the right.²

In Figs. 1 and 3 of Kitazawa, tray 25 is provided to the right side of body 21 such that it juts out from the body 21. In contrast, in the present invention, as shown in Fig. 1, multi-purpose tray 6 only exists on the exposed upper surface of base 1, that is, the multi-purpose tray 6 is formed on or built into the right side of the exposed upper surface of the base of the main body 1. Kitazawa simply fails to disclose such an arrangement.

²Please see, line 19, page 8 - line 2, page 9, of the Examiner's Answer.

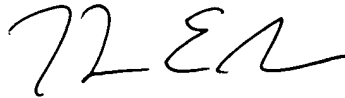
REPLY BRIEF

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In the event this paper is timely not filed, Appellants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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